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giving any undertaking. Subject to that, and with the permission of the House, I would withdraw this motion, with permission to bring in another Amending Bill."

The motion was by leave withdrawn.

XII

THE TUTICORIN PORT TRUST BILL.

The hon. Sir CHARLES TODHUNTER :—" Mr. President, I beg leave to introduce a Bill to make provision for the regulation, conservancy and improvement of the port of Tuticorin and to move that the Bill be read in Council, and I hope nobody will think that this is a taxation measure (laughter).

" As the Council are aware, one of the most urgent essentials, if there is to be any real development of the resources of the Presidency, is the development of the means of communication. Under this head, there are three principal requirements, improvement of roads, improvement of railways and improvement of harbours. Roads are a matter for the local bodies and railways for the Government of India. The development of new harbours is generally a matter in the first instance for the Local Government.

" The position under the law is somewhat complex. There are two classes of dues levied at ports, viz., dues on the tonnage of shipping which are applied in the main to purposes connected with the safety of ships and mariners, and dues collected on goods and passengers which are applied to improving the facilities for the handling of cargo and for the convenience of passengers. Both go into special funds, the former administered by the officers of the Port Department, the latter by the harbour authorities. These authorities again fall into three categories, viz, (1) Landing and Shipping Fees Committees, (2) Port Conservancy Boards and (3) Port Trusts.

" The Madras Outports Landing and Shipping Fees Act, 1885, provides only for the levy of dues on goods imported into a port at rates fixed by Government and for the expenditure of these dues by Government through the Presidency Port Officer. There is no specific provision for any committee to administer these dues. It is customary to appoint committees to advise the Presidency Port Officer regarding the necessities of these ports, but these committees have no statutory powers.

" A Port Conservancy Board represents an advance on this stage but not a great one. The Indian Ports Act, 1908, provides for the appointment of a conservator of each port and there are certain sections under which power can be given to the conservator in regard to the employment of establishment, the carrying out of works, the provision of buoys, lights and other matters. The Act further admits of these powers being given to a body of persons. For want of a better law, therefore, the practice has grown up of appointing boards under this Act and giving them certain restricted powers in the larger of the minor ports.

" Port Trusts are confined to the major ports of Calcutta, Bombay, Madras, Rangoon, Chittagong and Karachi, and they have practically full powers.

" The present position in this Presidency is that we have a Port Trust only in Madras, Port Conservancy Boards at Cochin, Tuticorin and Cocanada ; and Landing and Shipping Fees Committees at nine minor ports. I think it will

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be clear to the Council that now that we have large schemes of development in hand, it is essential that we should be able to give to the representatives of the interests concerned at the ports which we are developing much larger powers of taxation, expenditure and finance than they at present possess.

"The way to do this appears to lie in constituting at these ports Port Trusts on the lines of those at Calcutta, Bombay, Madras, Rangoon, Chittagong and Karachi. The three ports which we have selected for an advance are those of Cochin, Vizagapatam and Tuticorin. As the Council are aware, we have already embarked upon most important works at Cochin which have cost us up to date a sum of about twelve lakhs of rupees, in co-operation with the Darbars of Travancore and Cochin, and we are anxious to create a Port Trust there as soon as possible. The matter has been delayed till now owing to the difficulty in securing an agreement between all the parties concerned, viz., the Government of India, the Government of Madras and the Travancore and Cochin Darbars, and to the complex nature of the legislation that will be needed owing to the different Governments and territories that are involved. In the case of Vizagapatam, the attempt has hitherto been to work through the Bengal-Nagpur Railway and that fact and difficulties connected with the settlement of a scheme of finance for the harbour have hindered the introduction of a Port Trust there. In the case of Tuticorin, there are no complications of this sort, but another complication, namely, the proposal to reopen the question of the Pamban canal, has retarded action in connexion with the harbour for some considerable time. That scheme having been finally abandoned, we are now in a position to proceed with the development of the harbour as an independent scheme, and to enable us to do so the first thing to be done is to secure a proper Port Trust Act. When we have got one passed in the case of Tuticorin, we shall, I hope, be able to follow it in rapid succession with Bills based on the same model for Cochin and Vizagapatam.

"As regards the substance of the Bill, the Council will doubtless remember that we recently introduced very considerable amendments to the Madras Port Trust Act in order to bring it up to date. We have now embodied these amendments in the Bill for Tuticorin and, with the assistance of the Legislative Department, have revised the whole wording of the Act and imported several provisions from those in force in the other large ports. We hope that as a result the Bill will prove satisfactory to the Council and enable us with effect from the date on which it is brought into force to establish a semi-independent local body which will devote itself to the development of what we hope will soon become a major port, in which case it will pass from our control into that of the Government of India.

"I need hardly add in conclusion that, though the notice given has been short, there is no intention at all on the part of the Government to rush the Bill through. The only point arising at this stage is whether Tuticorin shall have a Port Trust. That is a question that has already been sufficiently considered and I believe that there are no two opinions upon it. The details of the proposed measure will be fully examined in the Select Committee and thereafter in the Council.

"I beg to move, Sir, that the Bill be read in Council."

The hon. Mr. C. P. Ramaswami Ayyar :—"I second it."

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The motion that the Bill be read in Council was put and carried.

The Secretary then read the title of the Bill.

The hon. Sir CHARLES TODHUNTER :—" I beg to move, Sir, that the Bill be referred to a Select Committee consisting of the following gentlemen :—

2-45 p.m.

Mr. C. Madhavan Nayar,
,, Bradford Leslie,
,, J. L. P. Roche Victoria,
Rao Bahadur Cruz Fernandez,
,, C. Gopala Menon,
,, A. M. Murugappa Chettiyar,
Mr. T. N. Bava Ravuttar Muhammad Sahib Bahadur,
,, A. J. Leech,
,, K. S. Ponnuswami Pillai, and
The Mover."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The motion was put and carried.

XIII

THE MADRAS STAGE CARRIAGES AND HACKNEY CARRIAGE (AMENDMENT) BILL.

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, this measure again, I am glad to say, does not fall within the category referred to in some of the earlier debates excepting to a limited extent which I shall presently explain. I shall first deal with the Bill in so far as it purports to repeal the Stage Carriages Act of 1861. That was a very early Act passed by the Government of India which originally did not apply to the Madras Presidency, but after the passing of the repealing Act of 1870, the Act was extended to the whole of British India with the saving clause that it shall not apply to carriages ordinarily plying for hire within the limits of a municipality or cantonment or other place in which any law for the regulation of carriages is for the time being in force. The Hackney Carriage Act of 1879 was passed to regulate and control carriages plying for hire within the town of Madras. It was revised by Act V of 1911 and has been extended from time to time to other municipalities and specified areas.

" The distinction between the two Acts is this: while the Hackney Carriage Act is applied to towns or other specified areas, the Stage Carriages Act has been till now applied only to roads. As a matter of fact, it has become a dead letter in most places owing to the replacement of the stage carriages by motor and omnibuses on roads in the mufassal. The present Act gets rid of that distinction. Many defects have been found out in the working of the Stage Carriages Act, some of which I shall enumerate now. Under the Madras Hackney Carriages Act, by-laws may be made with regard to the examination and qualifications of drivers and the conditions of their employment. No such provision exists in the Stage Carriages Act. Under section 12 of the former Act the public are very well safeguarded from actual misconduct on the part of the driver. There is nothing like that under the Stage Carriages Act excepting protection to the occupants in the carriage against the driver in case of an assault. The only other protection which the Stage Carriages Act provides is that the driver should not be